

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§

vs.

§

Case No. 4:09cr84
(Judge Crone)

JACK EDWARD HUNT

§

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 28, 2009, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Charles Roy.

On August 20, 2007, Defendant was sentenced by the Honorable Harry F. Barnes to one day in custody followed by three (3) years of supervised release for the offense of Transportation of Stolen Goods. On August 20, 2007, Defendant completed his period of imprisonment and began service of his supervised term.

On August 24, 2009, the U.S. Pretrial Services Officer filed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: (1) defendant shall refrain from any unlawful use of a controlled substance. The petition also alleged violations of the following standard conditions: (1) that defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substances or any paraphernalia related to any controlled substances, except as prescribed by a physician; and (2) defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month. The petition also alleges violations

of the following special conditions: (1) the defendant must pay restitution in the amount of \$97,262, due immediately. If not paid immediately, restitution may be paid in monthly installments of not less than 10% of the defendant's income, but in no case less than \$25 per month, with the entire balance to be paid in full one month prior to the termination of supervised release; and (2) in addition to the mandatory drug testing requirements, defendant shall comply with any referral deemed appropriate by the U.S. Probation Officer for in-patient or out-patient evaluation, treatment, counseling, or testing for substance abuse.

The petition alleges that Defendant committed the following acts: (1) On December 4, 2008, May 11, 18, 26, 2009, and June 15, 2009, defendant submitted urine specimens that tested positive for amphetamine/methamphetamine in an on-site test cup, and defendant admitted to use and signed an acknowledgment form on May 11, 2009; (2) Defendant failed to report on February 5 and 13, 2009, and March 10, 2009, for an office visit as instructed, and he failed to submit a written monthly report before the fifth day of the month in May, June, and July 2009; (3) Defendant failed to report for random drug testing at the location of the treatment provider on February 3, 9, 10, 17, 23 and 26, 2009, March 3, 9, 12, 19, 20, and 25, 2009, April 1, 3, 6, 15, and 27, 2009, May 5, 15, and 20, 2009, June 8, 10, 19, and 24, 2009, July 13, 17, 20, 27, and 29, 2009 and August 3, 2009, as instructed; and (4) Defendant failed to attend individual counseling sessions at the treatment provider on May 5, 11, and 20, 2009, June 8, 10, and 24, 2009, and has not been seen since June 15, 2009.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The Court recommends that Defendant's supervised release be revoked. The Court finds the guideline range in this case is 4 to 10 months.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. The

Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of four (4) months with thirty (30) months supervised release to follow. It is also recommended that this sentence should be served consecutively to any sentence of imprisonment the Defendant is currently serving

It is further recommended that the Defendant is to pay restitution totaling \$93,712 to the victims listed in the "Victim Impact" section of the Presentence Report.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 29th day of September, 2009.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE